

REMARKS

In the application claims 1, 4-18, and 20-45 remain pending. Claims 2, 3, and 19 have been canceled without prejudice. No claims presently stand allowed. The reconsideration of the rejection of the claims is, however, respectfully requested.

Claims 1, 4-18, and 20-45 stand rejected as being rendered obvious over Roddy (U.S. Published Application 2003/0055666) in combination with Spira (U.S. Published Patent Application 2003/0172002).

In response, it is respectfully submitted that the disclosure within Roddy being relied upon in the rejection of the claims fails to be “prior art.” In this regard, the subject application for patent, filed on May 29, 2001, claims the benefit of U.S. Provisional Application Serial No. 60/263,317 filed on January 22, 2001. Meanwhile, Roddy, which has a filing date of July 18, 2002, claims the benefit of U.S. Application Serial No. 09/736,495 filed on December 13, 2000. Importantly, the cited Roddy application was filed as a continuation-in-part application. Accordingly, any subject matter that appears in the cited Roddy application but which fails to find support in the Roddy application of December 13, 2000 cannot be considered to be “prior art,” i.e., any such subject matter has an effective filing date of July 18, 2002 which date is well after the effective filing date of the subject application for patent.

Turning now to the cited Roddy application, it is respectfully noted that at least a portion of the disclosure relied upon in the rejection of claims fails to be found in the earlier filed Roddy application. For example, the disclosure within at least paragraph 0024 (allegedly directed to having prognostics tools or predictive diagnostics or simply diagnostics tools to move each of the one or more physical items specified in the advance demand notice to a respective at least one of the plurality of geographical locations within the supply chain as a function of a probability of

need for each of the one or more physical items) fails to appear in the earlier filed Roddy application. Thus, since the disclosure within Roddy relied upon in the rejection of the claims fails to have an effective filing date which predates the effective filing date of the subject application for patent, it is submitted that the rejection of the claims must be withdrawn.

Considering Roddy still further, it is respectfully submitted that none of the Roddy applications disclose, teach, or suggest the base invention set forth in the claims at issue. For example, in the cited Roddy application, Roddy discloses a system in which vehicle system operating parameters are monitored and transferred to a data center (18). The data center (18) examines the operating parameters of the vehicle system to determine if there exists a critical fault or an anomaly in the vehicle system being monitored. If a critical fault or anomaly is detected, the data center (18) develops a new service recommendation and that service recommendation may be uploaded to an Internet web page. A user, e.g., service technician, may be notified that the service recommendation has been uploaded to the Internet web page by means of an email message, telephone call, fax, or other form of communication. In this manner, a user may begin preparations for a repair activity in response to the new service recommendation prior to the vehicle arriving at a repair facility.

Nowhere, however, does Roddy disclose, teach, or suggest a computer system that extracts from a customer maintenance system information indicative of a change in a scheduled maintenance work order to create an advanced demand notice as is claimed. This claimed element not only fails to appear anywhere within cited paragraph 0037 (which describes the aforementioned monitoring of operating parameters of a mobile asset for the purpose of developing a new service recommendation but which is silent with respect to monitoring for changes in an already scheduled maintenance work orders), but fails to appear anywhere within

Roddy. For this still further reason it is respectfully submitted that the rejection under 35 U.S.C. § 103 must be removed.

Turning now to Spira, it is it is respectfully submitted that the disclosure within Spira being relied upon in the rejection of the claims fails to be “prior art.” In this regard, Spira, which has a filing date of March 15, 2001, claims the benefit of U.S. Provisional Application No. 60/190,170 filed on March 17, 2000. Accordingly, any subject matter that appears in the cited Spira application but which fails to find support in the Spira provisional application cannot be considered to be “prior art,” i.e., any such subject matter has an effective filing date of March 15, 2001 which date is well after the effective filing date of the subject application for patent.

It is submitted that the subject matter relied upon in the rejection of the claims fails to be disclosed in the Spira provisional application. While the Spira provisional application purports to disclose a method for providing maintenance services, nowhere within the Spira provisional application is disclosed (let alone enabled) using intelligent agents to form a fulfillment plan, monitoring the movement of physical items within a supply chain, or forming alternative fulfillment plans. Still further, nowhere within the Spira provisional application is disclosed (let alone enabled) using a customer defined level of service to move items specified in an advance demand notice or taking into account a desired level of safety stock. Thus, since the disclosure within Spira relied upon in the rejection of the claims fails to have an effective filing date which predates the effective filing date of the subject application for patent it is submitted that the rejection of the claims must be withdrawn.

Believing that neither Roddy (U.S. Published Application 2003/0055666) nor Spira (U.S. Published Patent Application 2003/0172002) may be used to reject the claims of the subject application for patent, it is respectfully requested that the rejection be withdrawn.

CONCLUSION

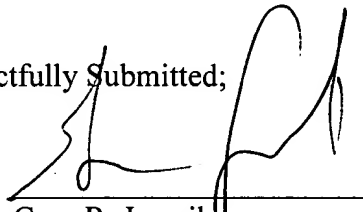
It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account 50-2428 in the name of Greenberg Traurig.

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Respectfully Submitted;

By:



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